

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF :

VERDONNA WILLIAMS and
JESSIE WILLIAMS

V

PEOPLES GAS LIGHT AND COKE
COMPANY

Complaint as to billing/charges)
in Chicago, Illinois.)

Chicago, Illinois

December 15, 2008

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MS. VERDONNA WILLIAMS
1230 South Kildare Avenue
Chicago, Illinois 60623
appeared pro se;

1 APPEARANCES: (Cont'd)

2

3 MR. MARK L. GOLDSTEIN
4 3019 Province Circle
5 Mundelein, Illinois 60060
6 appeared for Respondent.

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10 ALSO PRESENT:

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12 MS. JESSIE WILLIAMS, Complainant
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14 MS. SOLEDAD BARRAGAN, Peoples Gas

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23 SULLIVAN REPORTING COMPANY, by
24 Teresann B. Giorgi, CSR

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2					Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>Examiner</u>
4	Jessie Williams		90				83 100
5	Verdona Williams						92
6			104				
7		101					
8	Soledad Barragan	111					125
9							
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12		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>
13	<u>COMPLAINANT'S</u>	<u>FOR IDENTIFICATION</u>					<u>IN EVIDENCE</u>
14	Group 1		134				134
15							
16	<u>RESPONDENT'S</u>						
17	1 through 4		80				135
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1 (Whereupon, Respondent's
2 Exhibits 1 through 4 were
3 marked for identification.)
4 JUDGE RILEY: Pursuant to the direction
5 of the Illinois Commerce Commission, I call
6 Docket 08-0546. This is a complaint by Verdonna
7 Williams and Jessie Williams versus Peoples Gas
8 Light and Coke Company as to billing and charges in
9 Chicago, Illinois.
10 Who is Verдона Williams?
11 MS. V. WILLIAMS: I am.
12 JUDGE RILEY: You are.
13 And you are Jessie Williams, is that
14 correct.
15 MS. J. WILLIAMS: Yes.
16 JUDGE RILEY: And you -- in whose name is the
17 account in question?
18 MS. J. WILLIAMS: Mine.
19 JUDGE RILEY: It's in the name of Jessie
20 Williams.
21 And is your address 1230 South Kildare
22 Avenue in Chicago?

1 MS. J. WILLIAMS: No, I live at 330 South
2 Albany.

3 JUDGE RILEY: In Chicago.

4 MS. J. WILLIAMS: Yes.

5 JUDGE RILEY: Have you ever lived at 1230 South
6 Kildare Avenue in Chicago?

7 MS. J. WILLIAMS: Well, you know, in other
8 words, I be back and forth over there because I'm
9 disabled and I can't stay at home by myself.

10 JUDGE RILEY: Okay. I guess my question is, do
11 you have a lease --

12 MS. J. WILLIAMS: Yes.

13 JUDGE RILEY: -- or ownership at 1230 South
14 Kildare in Chicago?

15 MS. J. WILLIAMS: No.

16 JUDGE RILEY: You don't lease the premises
17 there.

18 MS. J. WILLIAMS: No.

19 JUDGE RILEY: But your name is on the Peoples
20 Gas account --

21 MS. J. WILLIAMS: Yes.

22 JUDGE RILEY: -- for that address?

1 MS. J. WILLIAMS: Yes.

2 JUDGE RILEY: But your address, the place where
3 you usually sleep, where you usually stay --

4 MS. J. WILLIAMS: Yes.

5 JUDGE RILEY: -- is 330 South --

6 MS. J. WILLIAMS: South Albany.

7 JUDGE RILEY: In Chicago. Thank you.

8 MS. J. WILLIAMS: Yes.

9 JUDGE RILEY: Mr. Goldstein, would you enter an
10 appearance for the record, please.

11 MR. GOLDSTEIN: Sure.

12 On behalf of the Peoples Gas Light and
13 Coke Company, Mark L. Goldstein, 3019 Province
14 Circle, Mundelein, Illinois 60060. My telephone
15 number is 847-949-1340.

16 And I have with me this morning as the
17 Peoples Gas witness, Soledad Barragan.

18 JUDGE RILEY: Thank you.

19 We are going to begin with the
20 Williams' case in chief.

21 Is there an account --

22 MR. GOLDSTEIN: Judge, could we have the

1 witnesses sworn?

2 JUDGE RILEY: Just a second, yes. I just want
3 to get a couple preliminary questions out of the
4 way. Is -- well, okay, Ms. Jessie Williams.

5 (Witness sworn.)

6 JUDGE RILEY: And Ms. Verdona Williams.

7 (Witness sworn.)

8 JESSIE WILLIAMS,

9 called as a witness herein, and after having been
10 first duly sworn, was examined and testified as
11 follows:

12 EXAMINATION

13 BY

14 JUDGE RILEY:

15 Q It's my understanding, just to go over this
16 again, then, that the account of which Ms. Jessie
17 Williams is complaining, is located at 1230 South
18 Kildare Avenue.

19 A Yes.

20 Q And that account is in your name.

21 A Yes.

22 Q Is it solely in your name?

1 A Yes.

2 Q Ms. Williams, could you, as completely as
3 possible, just explain to us what the problem is
4 with the account?

5 A Well, it was a mix-up. The meters numbers
6 was different, you know, for one floor -- she was
7 paying for her floor thinking it was hers and my
8 granddaughter lived down under her, that I had the
9 gas cut on when they tried to cut it off and the
10 baby was three months old and I told them put it in
11 my name.

12 Q Okay.

13 A That's why I got that over there.

14 Q Okay. When was the -- all right.
15 Which gas meter is in your name at
16 1230 South Kildare?

17 A Both of them were until they -- until they
18 were changed.

19 Q Let me start back at the beginning.
20 Is this an apartment building?

21 A Yes.

22 Q One-story, two-story, three-flat? How many

1 apartments?

2 A First floor, second floor and the basement.

3 Q I guess we call it a two-flat.

4 And you have never lived at the

5 apartment. You've never had a less at that

6 apartment --

7 A No.

8 Q -- is that correct?

9 Which unit -- which gas meter for

10 which unit was in your name?

11 A Well, both of them were until they changed

12 here lately.

13 Q Okay. Both were in your name.

14 A Yes, both.

15 Q How did that happen if you were never a

16 resident, if you never had a lease there?

17 A When we moved from -- on Congress, the

18 place was condemned. So we had to get out of there.

19 And then I was going to move at this 1230 South

20 Kildare, but due to the boarded up buildings and

21 things they wouldn't -- Section 8 wouldn't accept it

22 because -- even the buildings were new, but they

1 were boarded up. So I had to -- I was back and
2 forth from my daughter-in-law's house to here trying
3 to get my Section 8 here.

4 Q All right.

5 A And so when I finally got it I was over
6 here at Kildare and they said maybe I'd be able to
7 move in two or three years in the building that I
8 wanted to move, that's why we -- a bill was --
9 trying to get it transferred. And so, therefore,
10 that's how come it's over there. And then the baby,
11 you know, was sick and they tried to cut it off.

12 Q Okay. Are both gas meters in your name
13 now?

14 A No.

15 Q I'm assuming that there's gas meters for
16 the first floor and the second floor, is that
17 correct?

18 A Yes.

19 Q Is there a gas meter for the basement -- is
20 there anyone living in the basement, do you know?

21 A Well, just off and on, you know, if
22 somebody come, you know, a relative come in and out

1 of town or something.

2 Q Something like a guest room for them to
3 stay in.

4 A Yes.

5 Q Is there any heat down there?

6 A First floor for the basement.

7 Q Okay. So the first floor meter covers the
8 basement usage also.

9 A Yes.

10 Q And then there's a second floor meter.

11 A Yes.

12 Q All right. Is it your testimony then that
13 at one point the first floor meter was registering
14 usage for the second floor and that the second floor
15 meter was registering usage for the first floor?

16 A Yes. Yes.

17 Q When did you find out that that was the
18 case?

19 A It was -- she found it out early --

20 Q When you say "she," who is "she"?

21 A Verdonna (indicating).

22 Q Verdonna Williams.

1 A She found out because -- for the simple
2 reason she wasn't using her gas and my granddaughter
3 was using it.

4 Q Hold on. You said your granddaughter.

5 A Yes.

6 Q Was your granddaughter living there at the
7 time?

8 A Yes.

9 Q And where did she live?

10 A She was living on the first floor.

11 Q Okay. And your daughter, Verdonna, was
12 living on the second floor?

13 A Second floor. Yes.

14 Q And this was when? Can you give us any
15 kind of time frame as to when the two tenants lived
16 there?

17 A 2007.

18 Q You can confer, if need be.

19 MS. V. WILLIAMS: 2006.

20 JUDGE RILEY: Just confer among yourselves.

21 Q 2006?

22 A Yes.

1 Q And does the granddaughter still live on
2 the first floor?

3 A Yes.

4 Q And does Verdonna Williams still live on
5 the second floor?

6 A Yes.

7 Q Okay. What is the source of the complaint?
8 You said the meters were switched.

9 A Well, they never did have the right number
10 for each floor, you know. The first floor -- she
11 was paying for the first floor. My granddaughter
12 was paying for the second floor and she was paying
13 for the first floor (indicating).

14 Q Your daughter, Verdonna, was paying for the
15 first floor.

16 A Yes. Because the meters, their numbers was
17 mixed up and that's what the complaint was. Well,
18 she started calling and telling them that she -- she
19 very seldom used hers, but they -- you know, the
20 first floor, you know, it was supplying for both,
21 first and the basement.

22 Q And you're saying this was a result of

1 inaccurate billings --

2 A Yes.

3 Q -- for each of the units.

4 Mr. Goldstein, do you have any
5 cross-examination for Ms. Williams?

6 MR. GOLDSTEIN: Oh, yes.

7 CROSS-EXAMINATOIN

8 BY

9 MR. GOLDSTEIN:

10 Q Ms. Williams, back in 2006, even though you
11 did not live at 1230 South Kildare you applied for
12 gas service for both the first floor, basement, and
13 the second floor, is that right?

14 A When Verdonna moved it was in my name from
15 over from where we moved from on Kenneth.

16 Q Okay. The gas bills were in your name --

17 A Yes.

18 Q -- for the 1230 South Kildare building, is
19 that right?

20 A Yes.

21 Q And the gas bills were in your name in 2006
22 and 2007 until July 9th, 2008, when your daughter,

1 Verdonna, applied for service in her name for the
2 second floor, isn't that right?

3 A Yes. After the bill came and they want to
4 switch the gas back from one name to the other. So
5 they had her to make her get it in her name then.

6 Q And that occurred in July of this year,
7 July 2008.

8 A Yeah, I guess so.

9 Q And you understand that as long as you were
10 the account holder for both the first floor and the
11 basement and the second floor, up until July 2008,
12 you were responsible for the payment of the gas
13 bills during the time from 2006 through July of
14 2008, you understand that, do you not?

15 A I put my -- I let them put the gas --
16 because we brought it from Kenneth over there, she
17 did. And she asked them, did she have to change it
18 and they told her, no. So she would have to put a
19 deposit and so, therefore -- and they told her, no,
20 she didn't have to, let it stay like it was.

21 Q And so the answer to my question is, you
22 understand that you were ultimately responsible for

1 the payment of the gas bills in 2006, 2007 and up
2 until July of 2008, when your daughter, Verdonna,
3 applied for service for the second floor at
4 1230 South Kildare, you understand that, do you not?

5 A Yes, I understand.

6 MR. GOLDSTEIN: Okay. I have nothing else of
7 Ms. Williams.

8 JUDGE RILEY: Thank you.

9 Ms. Verdonna Williams, I would like to
10 ask you some questions.

11 VERDONNA WILLIAMS,
12 called as a witness herein, and after having been
13 first duly sworn, was examined and testified as
14 follows:

15 EXAMINATION

16 BY

17 JUDGE RILEY:

18 Q Do you presently live at 1230 South
19 Kildare?

20 A Yes, I do.

21 Q And are you -- do you live on the first
22 floor, the second floor?

1 A Second floor.

2 Q Who lives on the first floor?

3 A Monghoney Marshall.

4 Q And is that person just a tenant?

5 A She's my niece.

6 Q Okay. Do you have gas service in your

7 name?

8 A Yes, I do.

9 Q Is that on the second floor unit?

10 A Yes, it is.

11 Q When did you have that gas service in your

12 name?

13 A They just changed it sometime this year. I

14 think it was in July when this complaint kept on

15 coming up.

16 Q And you did not have gas service in your

17 name prior to then?

18 A No, I didn't.

19 Q Is gas service in your name for the first

20 floor and/or the basement?

21 A No, it's not.

22 Q Is that in your niece's name?

1 A It's in my mother's name, Jessie Williams.

2 Q The first floor and the basement are still
3 in Jessie Williams' --

4 A Yes.

5 Q Verdonna Williams, were you aware that
6 there was a switch in the meters, that the first
7 floor meter was covering the second floor usage and
8 the second floor meter was covering the first floor
9 usage?

10 A No, I was not. I just found this out come
11 May, May 15th. I had been complaining about this
12 since last -- since '06, when I moved there. And I
13 kept trying to get someone to come out. Peoples Gas
14 would never come out. I kept on complaining. They
15 never came out. I kept telling them that my gas
16 bill was being too high. They kept telling me it
17 was the gas prices of the bill and all of this.

18 So as I constantly complained, they
19 just kept on overlooking it. And it's been over two
20 years, it's been since '06. So then finally when
21 the bill got so high and I was constantly paying all
22 these 2 and 3 and \$400 on the bill, I finally --

1 Look, I'm not paying anymore. So somebody need to
2 come out here and check these meters.

3 Finally, May 15th, when they came out,
4 this is when -- I have the man name. He came out,
5 checked the bill -- checked the meters and this is
6 when they found out that the meters was wrong. But
7 the gas usage is going to the right floor. Peoples
8 Gas gave me the wrong account number from Day 1 in
9 '06. So this is how come the problem is occurring.

10 The account number that they gave me
11 when I moved there is the same gas bill I've been
12 paying since '06. So this is for the first floor
13 all of that time. So all this time I've been paying
14 for first floor. And when she got her gas --

15 Q When you say "she," is that Jessie
16 Williams?

17 A Monghoney Marshall.

18 Q Oh, I'm sorry.

19 A Monghoney Marshall, when she had already
20 moved in, the gas was just on down there. So all
21 the time, still, I'm still paying the gas. I didn't
22 know, I thought the other owner probably had just

1 not took it out their name. But I was paying it all
2 the time.

3 So as far as that part, what she did,
4 they sent her a letter telling her she had to put
5 the gas in her name, Monghoney Marshall. So this is
6 when -- at the time she could not. This is when my
7 mother said, Okay, you can just put the gas in my
8 name until, you know, you're able to put it in your
9 name.

10 So everything still was fine, because
11 we didn't think it was a problem. So when they got
12 their bill, their bill said "first floor." The bill
13 that I was getting said "second floor." But the
14 second floor bill that I was getting was for the
15 first floor all of that time.

16 Q And that's what the account number read?

17 A Exactly.

18 Q It read the first floor account number.

19 A Exactly. It had the meter reading for the
20 first floor and everything. She got my meter
21 reading and paid for the second floor. So she have
22 been paying the bills, but it was for the wrong

1 floor.

2 Q One thing very quickly, could you spell
3 Ms. Marshall's first name for us, please?

4 A M-o-n-g-h-o-n-e-y, Monghoney.

5 Q Oh, okay.

6 A Something like that. I think I'm missing a
7 letter or two.

8 Q Okay.

9 A But that's where the problem come in. And
10 then it really didn't -- this is when everything
11 changed, all the bills stopped coming. They start
12 changing the address around. I have been telling
13 them all the time that they were billing me, saying
14 second floor and basement. I said, No, I'm not
15 heating the basement. The first floor heats the
16 basement. Oh, no, it's not. No, it ain't. That's
17 wrong. I says, I know that's wrong, because I'm
18 telling you what it is. They never did come out.
19 And that's what the problem been all the time. And
20 the bill got outstanding. The way it is, I couldn't
21 keep up with the bill.

22 Q Okay. Now, is it your understanding that

1 there are only two meters in the building?

2 A Yes.

3 Q One for the second floor, one for the first

4 floor and the basement.

5 A Right. The basement doesn't have a meter.

6 The first floor --

7 Q I understand that. There's just two

8 meters.

9 A Exactly.

10 Q But one covers the first floor and the

11 basement.

12 A Right.

13 Q Do you have any documentation that shows

14 that -- that has your name and the first floor

15 account number?

16 A Well, since they just put it in my name

17 now, it will show that the meter that I have was for

18 the first floor --

19 Q Up until July of this year, all service and

20 all account numbers are in the name of Jessie

21 Williams, is that correct?

22 A For the first floor it still is, they

1 wouldn't change it over. But they did after I
2 contacted Commerce Commission, then this is when
3 they -- now, they're trying to talk to me and help
4 me. Oh, Ms. Williams, we can't do anything about
5 that. We can't take it out your name. We can't --
6 I'm like, But it's wrong. You all need to, you
7 know, come and look at it. But then this is when
8 they finally said okay. Now, they're calling me
9 every day telling me I could have taken out my
10 mother's name and put it in my name. But when I
11 tried to do that, they told me I couldn't, they
12 wouldn't let me.

13 So, yes, I do have paperwork now
14 showing the second floor with the same account
15 number that the first floor bill has, that was
16 supposed to have been mine in the first place. And
17 you can see the difference.

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1 JESSIE WILLIAMS,
2 recalled as a witness herein, and after having been
3 previously duly sworn, was examined and testified as
4 follows:

5 FURTHER EXAMINATION

6 BY

7 JUDGE RILEY:

8 Q What is the current balance on your account
9 right now, do you know?

10 A No, I don't. She probably.

11 Q Do you receive the bills?

12 A Yeah, but I can't remember because I forget
13 things. I even hide my stuff and can't find it. I
14 just can't remember.

15 Q Who do the bills go to?

16 A I usually -- when I get them I give them to
17 her (indicating), you know, because she was the one
18 paying the bill when it say "second floor." But,
19 see, the accounts was mixed up. So just like she
20 said, she was paying -- thinking she was paying hers
21 and she was paying the other one.

22 Q Right.

1 VERDONNA WILLIAMS,
2 recalled as a witness herein, and after having been
3 previously duly sworn, was examined and testified as
4 follows:

5 EXAMINATION CONTINUED

6 BY

7 JUDGE RILEY:

8 Q Ms. Verdonna Williams, do you have copies
9 of those bills?

10 A I don't have the latest bill.

11 Q No, no. What I want to know is, do you
12 have copies of the bills to show that the meters
13 were switched.

14 A I have plenty of bills.

15 Q Okay, no, I understand that.

16 What evidence do you have that shows
17 that the first floor unit was being billed for
18 second floor usage and the second floor --

19 A All the bills that they sent me. I have
20 all of these bills.

21 Q And do those bills read in your name or the
22 name of Jessie Williams?

1 A It's going to read Jessie Williams up until
2 the point when I did change it into my name.

3 Q And that was July of this year, is that
4 correct?

5 A Right. And that was after that I got in
6 contact with the Commerce Commission.

7 All of these (indicating).

8 Q And what is your understanding as to the
9 amount that's due now -- the two accounts are billed
10 separately, is that correct?

11 A Yes, they're billed separately. But the
12 last time that I did see the bill last month, I
13 think it was 1300. It had got up to 20 some hundred
14 dollars.

15 Q Now was this for the first floor or the
16 second floor?

17 A This is for the first floor.

18 Q For the first floor. And that's still in
19 the name of Jessie Williams, is that correct?

20 A Yes. This is the bill that we're in
21 question about.

22 Q So Ms. Marshall does not have an account in

1 her name?

2 A No, she don't have an account.

3 Q Okay.

4 And is it the first floor that's being
5 disputed?

6 A Right.

7 Q And it was up as high as what?

8 A 2700 and I've been paying it down all the
9 time.

10 Q What is it down to now?

11 A I think -- I don't have the last bill. I
12 don't think it came, yet. I think it's like 1300.
13 They may have it. It probably go back up for this
14 month.

15 JUDGE RILEY: That's all I can think of for
16 right now.

17 Mr. Goldstein, do you have any
18 questions for Verdonna Williams?

19 MR. GOLDSTEIN: I have some questions for
20 Verdonna Williams.

21

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1 CROSS-EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q Ms. Williams, am I correct that you own the
5 building at 1230 South Kildare?

6 A Yes, I do.

7 Q When did you purchase it?

8 A In '06.

9 Q And when you purchased it, why did you not
10 put your name on the gas account for the two meters
11 serving the building?

12 A Why should I put my name on the two meters,
13 they're separate apartments.

14 Q You didn't put it on either apartment, did
15 you?

16 A No, I didn't.

17 Q Why not?

18 A Because that's the same thing I stated
19 earlier. When I moved over there, all they did when
20 I let them know from Kenneth Avenue where I was
21 staying, where me and my mother was staying, it was
22 in her name there. And when I called to have them

1 to transfer it, I asked them at that time, Okay, I'm
2 moving, but it's going to be separate apartments, do
3 I have to put the gas in my name? They told me, no,
4 I could leave it like that and it could stay like
5 that. They're just going to change the account
6 number, which they did. And that was it.

7 Q So did you move into the second floor at
8 1230 South Kildare in 2006?

9 A Yes, I did.

10 Q And when you moved in were you paying the
11 gas bills --

12 A Yes, I did.

13 Q -- for both meters?

14 A No, I wasn't.

15 Q So your niece was paying for the -- she was
16 supposed to be paying for the first floor and you
17 were supposed to be paying for the second floor --

18 A Exactly.

19 Q -- is that right?

20 A Right.

21 Q And you said you've been paying down the
22 gas bill recently. Were you paying down the gas

1 to me.

2 JUDGE RILEY: December 6 of '06.

3 MS. V. WILLIAMS: And you see the meter reading.

4 JUDGE RILEY: P2778946. And that is for -- in

5 the name of Jessie Williams at 1230 South Kildare on

6 the second floor.

7 MS. V. WILLIAMS: On the second floor.

8 But if you look at -- I tried -- all

9 the ones I tried to keep. I couldn't get them

10 anymore. They stopped giving them to me. I just

11 want to show you when the man came out to read the

12 meter and he showed what meter go to what. That's

13 how come the mix up came (indicating).

14 JUDGE RILEY: And is that a handwritten now?

15 MS. V. WILLIAMS: Yes.

16 JUDGE RILEY: Is that written by you?

17 MS. V. WILLIAMS: No, this is from him. This is

18 from Terry Brown, when he came out 5-15-08.

19 JUDGE RILEY: And he was working for Peoples

20 Gas.

21 MS. V. WILLIAMS: Peoples Gas.

22 And see this meter up here is for the

1 basement and first floor, that's the same number
2 here --

3 JUDGE RILEY: P2778946, right.

4 MS. V. WILLIAMS: Right. That's what they got
5 it for the second floor. See that's where the
6 problem come in. That started from them giving me
7 that account number. So I've been paying the bill
8 over two years. I've paid a lot of money for bills
9 that wasn't mine.

10 JUDGE RILEY: Counsel, this is going to take a
11 couple of minutes, but I want to get copies of these
12 bills for you and me.

13 MR. GOLDSTEIN: Judge, we have --

14 JUDGE RILEY: And I may have more questions,
15 based on that.

16 MR. GOLDSTEIN: Judge, we have the bills, you
17 know.

18 I guess in simple terms, the problem
19 is that no matter what Verdonna or Jessie Williams
20 says, both accounts were in Jessie Williams' name.

21 JUDGE RILEY: Understood.

22 MR. GOLDSTEIN: The meters were not switched,

1 that's a misnomer.

2 JUDGE RILEY: Well, that's an evidentiary
3 matter.

4 MR. GOLDSTEIN: Let me finish.

5 JUDGE RILEY: All right.

6 MR. GOLDSTEIN: I'm just making a comment and
7 I'll have the witness testify.

8 The meters were mislabeled and we'll
9 stipulate to that. But, irrespective of all this,
10 you know, the real problem is that you have someone
11 who was paying on an account, who is not the
12 customer of record, where the mother is the customer
13 of record for both accounts, and she's readily
14 admitted that. And that's all part of the problem
15 here.

16 You know, we can go through each and
17 every bill, but it's sort of, you know, sort of
18 senseless.

19 Why don't you let us put on our case
20 and then if you need to put the bills in, we can put
21 the bills in.

22 JUDGE RILEY: All right. But I do want copies

1 of those. And I'm going to go back to them. I may
2 have more questions for you because of them.

3 Counsel, the Complainant has to put on
4 a comprehensive case in chief and I have to have a
5 thorough record. That is why I'm doing this.

6 MR. GOLDSTEIN: Oh, I understand that, Judge.

7 JUDGE RILEY: Okay. Then we have no further
8 questions right now for the Complainants.

9 MS. V. WILLIAMS: Your Honor, can I -- I want
10 that bill taken out -- when you get through, as up
11 to date. I don't want no more bills in my name. I
12 want the Gas Company to know that. They would have
13 to send it to Monghoney, not me because I'm disabled
14 and I can't pay my own bills.

15 JUDGE RILEY: Okay. I can tell you right now, I
16 wouldn't have the power to order that.

17 MS. J. WILLIAMS: Okay.

18 JUDGE RILEY: Mr. Goldstein, why don't we go to
19 your case in chief.

20 MR. GOLDSTEIN: Thank you, Judge.

21 I would like to call Soledad Barragan.

22 (Witness sworn.)

1 SOLEDAD BARRAGAN,
2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q State your name for the record and spell
9 your name.

10 A Soledad Barragan, S-o-l-e-d-a-d
11 B-a-r-r-a-g-a-n.

12 Q By whom are you employed?

13 A Peoples Gas.

14 Q And what is your position with Peoples Gas?

15 A I handle the informal complaints that come
16 in from the Illinois Commerce Commission as well as
17 the Better Business Bureau and Citizens Utility
18 Board.

19 Q And do you also handle the formal
20 complaints?

21 A Yes, I do.

22 Q And how long have you been employed by

1 Peoples Gas?

2 A A little over seven years.

3 Q And what is your current position or title
4 with Peoples Gas?

5 A Billing specialist.

6 Q And how long have you been a billing
7 specialist with Peoples Gas?

8 A For the last five years.

9 Q And could you describe generally your
10 duties with respect to handling the informal and
11 formal complaints?

12 A Review the complaints that come in. Go
13 over them, contact the customer and see if we can
14 settle the dispute.

15 Q And how did you become familiar with the
16 gas accounts at 1230 South Kildare in Chicago?

17 A The formal complaint was assigned to me.

18 Q And you've investigated that formal
19 complaint, have you not?

20 A Yes.

21 Q And you are going to sponsor four exhibits
22 this morning that are relative to the formal

1 complaint, is that right?

2 A Yes.

3 Q And these four exhibits, what is the source
4 of the information that is contained on the four
5 exhibits?

6 A The books and records of the company.

7 Q And are those books and records kept by
8 Peoples Gas in the ordinary course of its business?

9 A Yes.

10 Q Let's first look at -- well, before we go
11 to the exhibits, there's been an assertion by the
12 Complainants that the meters were switched, is that
13 true?

14 A No. The meters were mislabeled.

15 Q And what's the difference between meter
16 switching and mislabeling of the meters?

17 A Well, our records showed all along that it
18 was the basement and second floor combined in one
19 meter and the first floor on its own. We later
20 found that it was the basement and first floor
21 combined and Floor 2 was on its own.

22 Q And for the period that is in dispute in

1 this complaint, 2006 to July 2008 period, would it
2 have made any difference whether there was a
3 mislabeling of the meters?

4 A No, because both accounts were under Jessie
5 Williams' name. So we would have billed the same
6 amount to her.

7 Q So in simple terms, am I correct that
8 Jessie Williams was the Peoples Gas account holder
9 for the first floor and basement and the second
10 floor from 2006 to July of 2008?

11 A Yes.

12 Q And do you know when Jessie Williams
13 applied for service at 1230 South Kildare?

14 A August 9 of 2006.

15 Q And was she billed from August 9th, 2006
16 through 2006?

17 A Through when?

18 Q Through the rest of 2006?

19 A For one of the meters she was.

20 Q Which meter was she billed for?

21 A That's the one that was labeled as basement
22 and 2nd, which is actually basement and 1.

1 Q And the second floor account at 1230 South
2 Kildare, that was changed over to Verdonna Williams,
3 was it not?

4 A Yes, it was.

5 Q And when did that occurred?

6 A That was July 9th of 2008.

7 Q And the first floor and basement account at
8 1230 South Kildare, that is still in the name of
9 Jessie Williams?

10 A Yes.

11 Q Let's look at the exhibits if we could.

12 Let's turn now to Respondent's
13 Exhibit 1 -- by the way, with respect to all four
14 exhibits, who prepared these exhibits?

15 A I did.

16 Q And you did that from those books and
17 records of Peoples Gas, is that right?

18 A Yes.

19 Q Let's start with Respondent's Exhibit 1,
20 why don't you walk us through what is shown on
21 Respondent's Exhibit 1?

22 A Okay. What we show here are the readings.

1 So we'll go from August 9th of '06 through June 24th
2 of '08. That's the time period this covers. It
3 will show the reading we obtained. What kind of
4 reading it was. What was billed. Payments that
5 were made. And it will also give a running balance.

6 Q And except for one of the bills, all of the
7 readings taken were actual readings of the meter?

8 A Yes.

9 Q And let's go over to the column marked
10 Remarks. Could you explain what is shown on the
11 third line down there, credit of \$26.15 transferred
12 in from the final account at 739 South Kenneth?

13 A Okay. We had a credit that was
14 transferred. Since the accounts were under Jessie
15 Williams' name, whenever an account becomes final we
16 can then transfer that balance into one of the
17 customer's other accounts. So here she had a credit
18 at her Kenneth address of \$26.15. So that was
19 transferred here to 1230 South Kildare.

20 Q Okay. Now going three lines further down
21 there's a notation, Customer enrolled in Choices for
22 U Program. Can you explain what occurred there.

1 A The customer had requested that U.S. Energy
2 Savings Corp., supply them with their gas usage. So
3 there is a line marked "supplier charges." So
4 there's some time period that she was being supplied
5 gas by U.S. Energy Savings Corp.

6 Q And then she got terminated from that
7 program, did she not?

8 A Yes.

9 Q And if you go down a few more lines, it
10 appears as though there was an application for
11 LIHEAP funds?

12 A Yes, there was.

13 Q And who made that application?

14 A Jessie Williams.

15 Q And did she ever get any money from LIHEAP?

16 A Yes, there was a grant applied of \$452.

17 Q And was there any other funds given to her
18 from any other program?

19 A Yes, there was the Share the Warmth who
20 applied a \$200 grant, as well.

21 Q And if we go down even further to the end
22 of 2006, there shows a credit of \$118.93 transferred

1 in from 1230 South Kildare, could you explain that
2 notation?

3 A Sure. On that one -- that was for the
4 second floor account, there was a credit on the
5 account of \$118.93. Customer had made an
6 overpayment on the second floor account and
7 requested that those monies be applied to the first
8 floor account.

9 Q Now, there are other notations on the
10 bottom of Respondent's Exhibit 1. The one I'd like
11 to direct you to is the charges of \$703.67
12 transferred in from 331 South Albany, can you
13 explain that notation?

14 A Yes. The account at 331 South Albany was
15 cut off. There was a final balance left on that
16 account of \$703.67. Since it was left unpaid, that
17 was also transferred over to the 1230 South Kildare
18 address.

19 Q And the 331 South Albany account was in
20 whose name?

21 A Jessie Williams.

22 Q And it was for like service to the service

1 being supplied at 1230 South Kildare, is that right?

2 A Yes.

3 Q Do you have any other comments you'd like
4 to make with respect to Respondent's Exhibit 1?

5 A Just that the service here was disconnected
6 because of nonpayment. And we did except a medical
7 certificate on this account to go ahead and
8 reconnect the service.

9 Q And who would have provided that medical
10 certificate?

11 A It would have had to have been in the name
12 of Jessie Williams.

13 Q And would Jessie Williams have had to be
14 living at 1230 South Kildare in order to get the
15 medical certificate?

16 A Yes. They have to be a permanent resident.
17 It has to specify that on the medical certificate
18 for us to accept it.

19 Q And would the same be applicable for
20 someone to apply for LIHEAP funds, would they have
21 to be living at a residence in order to apply for
22 LIHEAP assistance?

1 A I'm not sure what their requirements are,
2 but only the account holder can apply for LIHEAP.
3 Their Social Security has to match when they apply.

4 Q And let's now turn to Respondent's -- by
5 the way, Respondent's Exhibit 1 is for 1230 South
6 Kildare, the basement and first floor, is that
7 right?

8 A Yes.

9 Q And Respondent's Exhibit 2, let's turn to
10 that one now. That also applies to the basement and
11 first floor at 1230 South Kildare, is that right?

12 A Yes.

13 Q Could you explain what period of time is
14 covered by that particular exhibit?

15 A Sure. This covers July 16th of '08 through
16 December 8th of '08.

17 Q And all the readings that were taken for
18 that meter were actual readings, is that right?

19 A Yes.

20 Q Let's go again to the column marked
21 Remarks. Is there anything you'd like to point out
22 with respect to any of the remarks made on this

1 particular exhibit?

2 A Okay. Since this was a reconnection there
3 was a deposit that was applied, which we bill in
4 three installments. The charges from the
5 disconnected account were transferred in as well as
6 the charges from the second floor and that's because
7 the second floor account was terminated in the name
8 of Jessie Williams and then placed under Verdonna
9 Williams' name. So 87.64 left owing from the second
10 floor was transferred in.

11 They also received another LIHEAP
12 grant of 452.

13 Q Dollars.

14 A Dollars.

15 And we also set up a payment plan on
16 the account.

17 Q And have they continued making payments
18 under the payment plan?

19 A They did start making the payments, but
20 since the dispute was placed on the account, there's
21 no reason for the payment plan at this time because
22 receivables are under dispute.

1 Q All right. Now, let's turn to what's been
2 marked as Respondent's Exhibit 3. Could you explain
3 what is shown on this exhibit?

4 A This is for 1230 South Kildare, second
5 floor and this covers dates of service from
6 January 11th, 2007 through July 9th, 2008.

7 Q And why does it not cover a period in 2006
8 when the second floor was occupied?

9 A No one had applied for the service prior to
10 January of 2007.

11 Q And who applied for the service in January
12 of 2007?

13 A Jessie Williams.

14 Q And except for one estimated reading in
15 November of 2007 and an estimated reading in June of
16 2008, all of the readings for the second floor were
17 based on actual readings of the gas meter?

18 A Yes.

19 Q Is there anything else you would like to
20 point out with respect to Respondent's Exhibit 3 in
21 the remarks column?

22 A The remarks will just show the credit of

1 the 118.93, that was transferred to the basement and
2 first floor account. And then at the time that the
3 bill was final, the charges of 87.64 were
4 transferred out to the basement and first floor
5 account.

6 Q By the way, let's go back to Respondent's
7 Exhibit 2, if we could for a moment.

8 Could you tell us what the current
9 balance is on the basement and first floor account
10 at 1230 South Kildare?

11 A Sure. The current balance is \$1,502.20.

12 Q All right. Now, let's turn to Respondent's
13 Exhibit 4. What is this -- what does this exhibit
14 show?

15 A Okay. This exhibit shows the account for
16 Jessie Williams at 331 South Albany, basement
17 apartment, and it covers April 12th of 2007 through
18 May 1st, 2008.

19 Q Is it your information that Jessie Williams
20 is living at 331 South Albany?

21 A Yes.

22 Q Could you explain what is shown on this

1 exhibit?

2 A Okay. We show that all the readings on the
3 account are actual with the exception of the last
4 reading in May of 2008. We show there was three
5 payments made on the account. There was a security
6 deposit established of \$191. That was billed in
7 three installments. At the time the account was
8 closed, the \$191 was applied back to the account as
9 well as interest of \$5.91. The rest of the charges,
10 which is \$703.67 was transferred to 1230 South
11 Kildare.

12 Q And is that reflected on Respondent's
13 Exhibit 1?

14 A Yes.

15 Q And, finally, with respect to the gas bills
16 for 1230 South Kildare, whether it be for the first
17 floor, basement or the second floor from the period
18 of June of 2006 through July of 2008, who is -- who,
19 in Peoples Gas opinion, is responsible for those gas
20 bills?

21 A That would be Jessie Williams.

22 MR. GOLDSTEIN: I have nothing else of

1 Ms. Barragan.

2 JUDGE RILEY: Thank you.

3 MR. GOLDSTEIN: I would move into evidence
4 Respondent's Exhibits 1, 2, 3 and 4.

5 JUDGE RILEY: Thank you. I will hold your
6 motion in abeyance. I'll get a response from
7 Complainant shortly and I'll rule on that.

8 Ms. Barragan, I just have a couple
9 questions myself.

10 EXAMINATION

11 BY

12 JUDGE RILEY:

13 Q I may have missed this. What is your
14 actual job title?

15 A Billing specialist.

16 Q What is the title of these documents,
17 Respondent's Exhibits 1 through 4? Is there a
18 particular name they go by?

19 A It's an account transcript.

20 Q Account transcript. Thank you.

21 And with regard to Exhibit 4, is it
22 your testimony that Ms. Williams -- Ms. Jessie

1 Williams is no longer living at 331 South Albany?

2 A Correct. That account was finalized

3 May 1st in 2008.

4 Q And that was for the basement, is that

5 correct?

6 A Yes.

7 Q And there is no Peoples Gas service to the

8 basement at this time, then, is that correct?

9 A I'm not sure, but not under the name of

10 Jessie Williams.

11 Q Is it correct that this only covers the

12 period through May 1st of 2008?

13 A Yes.

14 Q So someone else could have had service in

15 their name established after May 1st of 2008.

16 A Yes.

17 Q Okay. But it was not Jessie Williams

18 you're saying.

19 A Yes.

20 JUDGE RILEY: Ms. Jessie Williams, do you have

21 any questions for Ms. Barragan?

22 MS. J. WILLIAMS: The only thing that I could

1 say is this, that as far as the gas bill at Albany,
2 it was three tenants living up above me and this is
3 the paper proving that they was washing in the
4 basement, plus they had meters in the basement and
5 all of this was hooked up to that particular one.
6 So then the owners turn around and said that I
7 didn't have to pay gas no more. They called me not
8 too long ago to tell me, could I put it in my name,
9 I told them, No, I'm not putting nothing else in my
10 name. Because the gas and stuff, I don't know
11 whether it's hooked up, but it's not in my name. I
12 had it taken out of my name.

13 JUDGE RILEY: That was at 331 South Albany?

14 MS. J. WILLIAMS: That's right.

15 JUDGE RILEY: Is it correct that you don't have
16 any questions for Ms. Barragan, this is just --

17 MS. J. WILLIAMS: Have any questions for her?

18 JUDGE RILEY: Right. With regard to what she
19 testified to.

20 MS. J. WILLIAMS: Those are the things that they
21 was talking about. I guess those things were true,
22 I guess, I don't know. All but the different

1 complaints about the bill mix up and all that
2 stuff --

3 MS. V. WILLIAMS: I want to ask some of the
4 questions because she actually know --

5 MR. GOLDSTEIN: That's fine.

6 JUDGE RILEY: Okay. There's no objection to
7 that.

8 MR. GOLDSTEIN: I don't have objection to that.

9 MS. V. WILLIAMS: Some of the stipulation that
10 you did make, when she did get the credit when she
11 went to the Salvation Army for those things, yes,
12 she did get those credits because that was some of
13 the reason why the bill was in her name.

14 The Albany bill, that \$400, the last
15 one that you did get, that's from the transfer that
16 came over. That's how come we got that bill. They
17 took that \$700 and put it on to the same bill over
18 here on Kildare. And she don't get no bill over
19 there on Albany anymore because the bill was not her
20 in the first place. Everybody was using it. That's
21 why she don't get a bill over there. That's another
22 point. That's how come it's not showing in her name

1 over there because the bill had been cut off, that's
2 why she don't get the bill. She still living over
3 there.

4 JUDGE RILEY: Okay. No further questions for
5 Ms. Barragan?

6 MS. V. WILLIAMS: For her part with that there.
7 I'm fine with that. I still have my own questions.

8 JUDGE RILEY: Okay. Thank you.

9 Why don't we take five minutes.

10 Recess for a couple of minutes.

11 Off the record.

12 (Whereupon, a discussion
13 was had off the record.)

14 JUDGE RILEY: Back on the record.

15 I want to make sure I understand.

16 Jessie Williams, your complaint is that because the
17 meters were switched that the billings were
18 incorrect on those two apartments at 1230 South
19 Kildare?

20 MS. J. WILLIAMS: They had the wrong account
21 number on the bills.

22 JUDGE RILEY: All right. And is it your

1 contention then, just to make sure I understand,
2 that because the account numbers were wrong, the
3 billings were incorrect.

4 MS. J. WILLIAMS: That's right.

5 JUDGE RILEY: Okay. The sums of money that you
6 were being billed were incorrect.

7 MS. J. WILLIAMS: Yeah, because she paid all of
8 her -- the bill that was due. She paid it all
9 through '06, from the time that she had. So she
10 paid all of her bill, but she was paying for the
11 first floor.

12 JUDGE RILEY: Right. Okay.

13 MS. J. WILLIAMS: And just like I said. And
14 then I was paying my service over there and mine was
15 outstanding because I'm paying for lots of people up
16 above me and they billing me for the -- and the
17 service man find out that all of this stuff was
18 connected to my gas bill.

19 JUDGE RILEY: All right. Now, this is at 1230
20 South Kildare, right?

21 MS. J. WILLIAMS: That's on Albany.

22 JUDGE RILEY: No, we're not concerned -- the

1 source of the complaint is 1230 South Kildare
2 address, that's all I'm asking about here.

3 MS. J. WILLIAMS: Well, they transferred it over
4 there, the bills.

5 JUDGE RILEY: We have the issue of the exhibits.

6 MR. GOLDSTEIN: Yes. I would like to move into
7 evidence Respondent's Exhibit 1 through 4 again.

8 JUDGE RILEY: Ms. Verdonna, you have a series of
9 documents there, most of which are in the name of
10 Jessie Williams.

11 MS. V. WILLIAMS: Yes. All of them are in the
12 name of Jessie Williams. The only thing that is not
13 is my account where they took my money out of my
14 account, saying that I'm the one that's paying it,
15 not Jessie Williams, because she's not paying any of
16 the bills, period.

17 JUDGE RILEY: All right. I understand that.

18 Now, do you want to have any of that
19 documentation admitted into evidence?

20 MS. V. WILLIAMS: Yes, all of it can be
21 admitted. All umpteen pages of it.

22 JUDGE RILEY: Mr. Goldstein, I'm sorry -- you've

1 had a chance to --

2 MR. GOLDSTEIN: Judge, you know, I have no
3 objection to the admission of those exhibits. If
4 you want to make them one massive exhibit --

5 JUDGE RILEY: One group exhibit.

6 MR. GOLDSTEIN: -- I have no objection.

7 I would merely point out that that, in
8 fact, it absolutely proves out case, that it doesn't
9 really make any difference whether the meters were
10 mislabeled or not. Jessie Williams was the account
11 holder for both meters. She was billed for both
12 meters.

13 As I stated at the initial status
14 hearing in this matter, the Company does not keep
15 track of who pays what bill, only that the gas bills
16 are paid. And the ultimate responsibility for the
17 payment of the bills at 1230 South Kildare for both
18 meters during the period in question, was the
19 responsibility of Jessie Williams. That's our case
20 in a nutshell.

21 And I ask that our exhibits be
22 admitted. And you can admit those exhibits, I have

1 no objections to those.

2 JUDGE RILEY: Let me see these for a brief
3 second.

4 MS. V. WILLIAMS: (Indicating.)

5 JUDGE RILEY: Counsel, did you want to take a
6 look at --

7 MR. GOLDSTEIN: I don't believe it's necessary,
8 Judge.

9 JUDGE RILEY: I've gone through all of the bills
10 that Ms. Verdonna Williams has brought with her.

11 MR. GOLDSTEIN: I don't believe it's necessary,
12 Judge, and the reason is, those bills are reflected
13 on the account transcripts that have been marked as
14 our exhibits.

15 JUDGE RILEY: All right. I'm going to mark this
16 as Complainant's Group Exhibit 1. And these are
17 copies of bills -- or the original bills, I should
18 say that begin on around December 6th, 2006 and the
19 last one is dated October 7th, 2008.

20

21

22 (Whereupon, Complainant's

1 Group Exhibit 1 was marked
2 for identification.)
3 I take it you're moving for the
4 admission of these into evidence?
5 MS. V. WILLIAMS: Yes.
6 JUDGE RILEY: Mr. Goldstein, any response?
7 MR. GOLDSTEIN: No objection, Judge.
8 JUDGE RILEY: Complainant's Group Exhibit 1 is
9 admitted into evidence.
10 (Whereupon, Complainant's
11 Group Exhibit 1 was admitted
12 into evidence.)
13 JUDGE RILEY: And with regard to Mr. Goldstein's
14 evidence, the four exhibits that Ms. Jessie Williams
15 is holding right here, do you have any objection to
16 the admission of those into evidence?
17 MS. V. WILLIAMS: No.
18 JUDGE RILEY: Then Respondent's Exhibits 1, 2, 3
19 and 4 are admitted into evidence.
20
21
22 (Whereupon, Respondent's

1 Exhibits 1, 2, 3 and 4 were
2 admitted into evidence.)

3 JUDGE RILEY: The only thing is, can you get
4 copies of these made and get them to me?

5 MS. V. WILLIAMS: Yes.

6 JUDGE RILEY: Mr. Goldstein, do you want a copy
7 of these also?

8 MR. GOLDSTEIN: No.

9 JUDGE RILEY: You don't?

10 MR. GOLDSTEIN: We have copies of the duplicate
11 bills.

12 As I stated initially through the
13 examination of Ms. Barragan, the underlying
14 documentation for the four account transcripts,
15 which she prepared, comes from the books and records
16 of the company. We do have the duplicate bills in
17 the hearing room today, along with other information
18 that made up those four exhibits.

19 JUDGE RILEY: Right.

20 What I want to do is, as soon as
21 possible, I suppose, this would be -- this is your
22 evidence that has been admitted. Get a copy of that

1 made, as legibly as possible, obviously.

2 MS. V. WILLIAMS: Okay.

3 JUDGE RILEY: Do you have the address to get it

4 to me?

5 MS. V. WILLIAMS: No, I don't. Is it the same

6 where the letter came from?

7 JUDGE RILEY: No, that's Springfield.

8 MS. V. WILLIAMS: No, I don't have it.

9 JUDGE RILEY: Off the record.

10 (Whereupon, a discussion

11 was had off the record.)

12 JUDGE RILEY: Back on the record.

13 Does the Complainants have anything

14 further? Ms. Jessie Williams, anything?

15 MS. J. WILLIAMS: No.

16 JUDGE RILEY: Pretty much it?

17 MS. J. WILLIAMS: Yes.

18 JUDGE RILEY: Okay. Thank you.

19 And does the Respondent have anything

20 further?

21 MR. GOLDSTEIN: I have nothing else, Judge.

22 JUDGE RILEY: Is it a stretch to say -- do we

1 ask for closing brief?

2 MR. GOLDSTEIN: Judge, you know, the
3 Complainants are pro se, Judge. If they file a
4 brief, I will respond, but I think there's enough
5 evidence of record this morning so that a brief is
6 unnecessary.

7 JUDGE RILEY: What we're referring to is that in
8 cases where there are Counsel on both sides,
9 generally what the parties do is after the close of
10 the case, they will write -- they will submit a
11 written summary of the evidence and arguments and
12 submit that to me to try to persuade me to rule in
13 their favor, and Counsel would do the same thing
14 from his standpoint.

15 Would either of you be prepared to do
16 something like that? In place of such a document,
17 generally, we can just take a closing statement.
18 I'm not even sure if you'd be interested in
19 submitting one of those.

20 MS. V. WILLIAMS: Right. I really don't
21 understand all of that.

22 JUDGE RILEY: I appreciate that.

1 I'm more inclined to go with
2 Mr. Goldstein's suggestion that we have all the
3 evidence in and I can make a decision on this matter
4 without more argument.

5 MS. V. WILLIAMS: Yeah, that's fine.

6 JUDGE RILEY: Is that sufficient with you?

7 MS. V. WILLIAMS.

8 JUDGE RILEY: Is that sufficient with you,
9 Ms. Jessie Williams?

10 MS. J. WILLIAMS: Yes.

11 JUDGE RILEY: All right.

12 Then if there is nothing further, I
13 will direct the court reporter to mark this matter
14 heard and taken.

15 And, Ms. Williams, please get the
16 copies to me as fast as you can.

17 MS. V. WILLIAMS: I sure can. I'm on my way
18 right now.

19 HEARD AND TAKEN

20

21

22